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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, SHORTENED STATUTORY PERIOD OF RESPONSE, MAIL DATE, DELIVERY MODE.

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/786,377	Applicant(s) BURRELL ET AL.	
	Examiner Marie A. Weiskopf	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-65 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-65 is/are rejected.
- 7) Claim(s) 55 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Objections

1. Claim 55 is objected to because of the following informalities: Claim 55 depends from claim 55. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-20, 22, 24-33, 35-47, 49, and 51-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (US 6,837,827).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

- In regard to claim 1, a wearable electronic device comprising:

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- A location determining component operable to determine a geographic location of the device (Column 5, lines 11-13)
- An elongated housing which encloses the location determining component (Column 6, lines 28-33)
- A strap operable to removably attach the housing to a user's forearm (Column 6, lines 34-49)
- In regard to claim 2, the device having at least one input to operate the location determining component (Column 5, lines 26-33)
- In regard to claim 3, the device having a plurality of inputs positioned on the housing such that they may be accessed by the user during exercise or other activity (Column 5, lines 26-33)
- In regard to claim 4, the housing having a front side with a plurality of inputs positioned thereon, such that the plurality of inputs may be accessed by the user during exercise or other activity (Column 5, lines 26-33)
- In regard to claim 6, the device having a display positioned such that it may be viewed by the user during exercise or other activity (Column 5, lines 33-50)
- In regard to claim 7, wherein the display is positioned on a top face of the housing (Column 5, lines 33-50)
- In regard to claim 8, wherein the display is a liquid crystal display (Column 5, lines 33-50)
- In regard to claim 9, wherein the display is capable of being viewed from multiple angles (Column 5, lines 33-50)

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- In regard to claim 10, wherein the display is coupled with the location determining component to display geographic information (Column 5, lines 33-50)
- In regard to claim 11, wherein the display is operable to display the geographic location of the device (Column 10, lines 8-24)
- In regard to claim 12, wherein the device includes an entertainment component operable to execute at least one game (Column 8, lines 48-63)
- In regard to claim 13, wherein the entertainment component is operable to interface with the location determining component to receive the geographic location from the location determining component (Column 8, line 48 – Column 9, line 20)
- In regard to claim 14, wherein the entertaining component includes the geographic location in an executed game. (Column 8, line 48 – Column 9, line 20)
- In regard to claim 15, a wearable electronic device comprising:
 - A location determining component operable to determine geographic location information (Column 5, lines 11-13)
 - An elongated housing which encloses the location determining component (Column 6, lines 28-33)
 - A display operable to display the geographic location information, wherein the display is positioned on the housing such that it may be easily viewed from multiple angles by a user during exercise or other activity (Column 5, lines 25-50)

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- A plurality of inputs operable to operate the location determining component, wherein the inputs are positioned so the housing such that the inputs may be operable by the user with one hand (Column 5, lines 25-50)
 - A strap operable to removably attach the housing to the user's forearm (Column 6, lines 34-49)
- In regard to claim 16, wherein the location determining component comprises a GPS receiver (Column 5, lines 11-13)
- In regard to claim 17, wherein the GPS receiver is operable to receive a signal from two or more members of an array of orbiting satellites (Column 5, lines 18-21)
- In regard to claim 18, wherein the location determining component is operable to determine the user's current geographic location, map the user's location on the display, chart a desired course of travel on the display, and find a desired location on a map generated on the display (Column 10, lines 8-48)
- In regard to claim 19, wherein the device includes an antenna coupled with the location determining component (Column 5, lines 18-21)
- In regard to claim 20, wherein the antenna is enclosed entirely within the housing such that the antenna does not contact the user (Column 6, lines 18-21)
- In regard to claim 22, wherein the elongated housing is happed to fit on the user's forearm such that the device is securely supported by the user's forearm (Column 6, lines 18-33)

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- In regard to claim 24, wherein the strap is operable to attach the housing to the user's wrist (Column 6, lines 34-49)
- In regard to claim 25, a wearable electronic device comprising:
 - An elongated housing (Column 6, lines 18-21) having:
 - A top face (Column 6, lines 18-30)
 - A bottom face positioned opposite the top face (Column 6, lines 18-30)
 - A front wall connected to the top face and bottom face (Column 6, lines 18-30)
 - A rear wall opposed to the front wall, wherein the rear wall is connected to the top face and bottom face (Column 6, lines 18-30)
 - A pair of opposed side walls, wherein each side wall is connected to the top face and bottom face (Column 6, lines 18-30)
 - A backlit liquid crystal display positioned on the top face which is operable to display multiple lines of a plurality of alphanumeric characters, shapes and symbols, capable of being viewed from multiple angles (Column 5, lines 39-50)
 - A plurality of contacts positioned on the bottom face operable to receive electrical power and data (Column 5, lines 50-58)
 - A pair of connection elements positioned on the bottom face operable to secure the housing (Column 6, lines 18-30)

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- A plurality of inputs positioned on the front wall (Column 5, lines 26-40)
- A location determining component based on a global positioning system and adapted to determine a geographic location of the device, wherein the location determining component is housed within the elongated housing and interfaced with the plurality of inputs and display, such that the functionality of the location determining component is controlled by the plurality of inputs and the display communicated the geographic location of the device (Column 5, lines 10-50; column 10, lines 7-48)
- An antenna coupled to the location determining component and enclosed by the housing such that the antenna may not come into contact with the user (Column 5, lines 18-20)
- A strap operable to attach to the connection elements and couple with the housing to secure the housing to the user's forearm (Column 6, lines 34-48)
- In regard to claim 26, a wearable electronic device comprising:
 - A location determining component operable to determine geographic location information (Column 5, lines 11-13)
 - An exercise performance monitor component operable to calculate performance information (Column 7, lines 31-45)
 - An elongated housing which encloses the location determining component and exercise performance monitor component (Column 6, lines 18-21)

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- A strap operable to removably attach the housing to a user (Column 6, lines 34-49)
- In regard to claim 27, wherein the exercise performance monitor component is operable to calculate performance information comprising total distance, total distance goals, speed and speed goals (Column 7, lines 13-51)
- In regard to claim 28, wherein the exercise performance monitor component is operable to interface with the location determining component to receive the geographic information (Column 8, lines 21-47)
- In regard to claim 29, wherein the exercise performance monitor component is operable to calculate performance information based on the geographic location information (Column 7, lines 13-51)
- In regard to claim 30, wherein the strap is operable to secure the housing to the user's forearm (Column 6, lines 34-49)
- In regard to claim 31, wherein the device includes at least one input to operate the location determining component and exercise performance monitor component (Column 5, lines 25-50)
- In regard to claim 32, wherein the device includes a plurality of inputs positioned on the housing such that they may be accessed by the user during exercise or other activity (Column 5, lines 25-50)
- In regard to claim 33, the housing having a front side with a plurality of inputs positioned thereon, such that the plurality of inputs may be accessed by the user during exercise or other activity (Column 5, lines 25-50)

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- In regard to claim 35, the device having a display positioned such that it may be easily viewed by the user during exercise or other activity (Column 5, lines 25-50)
- In regard to claim 36, wherein the display is positioned on a top face of the housing (Column 5, lines 25-50)
- In regard to claim 37, wherein the display is a liquid crystal display (Column 5, lines 25-50)
- In regard to claim 38, wherein the display is capable of being viewed from multiple angles (Column 5, lines 25-50)
- In regard to claim 39, wherein the display is coupled with the location determining component to display geographic information (Column 10, lines 8-48)
- In regard to claim 40, wherein the display is operable to display the geographic location of the device (Column 10, lines 8-48)
- In regard to claim 41, wherein the display is coupled with the exercise performance monitor component to display performance information (Column 7, lines 13-30)
- In regard to claim 42, a wearable electronic device comprising:
 - A location determining component operable to determine geographic location information (Column 5, lines 11-13)
 - An exercise performance monitor component operable to calculate performance information based on the geographic location information (Column 7, lines 31-51)

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- An elongated housing which encloses the location determining component and exercise performance monitor component (Column 6, lines 18-21)
- A display positioned on the housing which is operable to display the geographic location information and performance information, wherein the display may be viewed from multiple angles by the user during exercise or other activity (Column 5, lines 25-50)
- A plurality of inputs operable to operate the location determining component and exercise performance monitor component, wherein the inputs are positioned on the housing such that the inputs may be operated by the user with one hand (Column 5, lines 25-50)
- A strap operable to removably attach the housing to the user's forearm (Column 6, lines 18-33)
- In regard to claim 43, wherein the location determining component comprises a GPS receiver (Column 5, lines 11-13)
- In regard to claim 44, wherein the GPS receiver is operable to receive a signal from two or more members of an array of orbiting satellites (Column 5, lines 18-24)
- In regard to claim 45, wherein the location determining component is operable to determine the user's current geographic location, map the user's location on the display, chart a desired course of travel on the display, and find a desired location on a map generated on the display (Column 10, lines 7-49)

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- In regard to claim 46, the device including an antenna coupled with the location determining component (Column 5, lines 18-24)
- In regard to claim 47, wherein the antenna is enclosed entirely within the housing such that it does not contact the user (Column 6, lines 18-21)
- In regard to claim 49, the elongated housing shaped such that it may fit on the user's forearm (Column 6, lines 18-33)
- In regard to claim 51, wherein the device includes an entertainment component operable to execute at least one game (Column 8, line 48 – Column 9, line 20)
- In regard to claim 52, wherein the entertainment component is operable to interface with the location determination component to receive the geographic location from the location determining component (Column 8, line 48 – Column 9, line 20)
- In regard to claim 53, wherein the entertainment component includes an the geographic location in an executed game (Column 8, line 48 – Column 9, line 20)
- In regard to claim 54, wherein the entertainment component is operable to interface with the exercise performance monitor component to receive the performance information (Column 8, line 48 – Column 9, line 20)
- In regard to claim 55, wherein the entertainment component includes the performance information in an executed game (Column 8, line 48 – Column 9, line 20)
- In regard to claim 56, wherein the strap is operable to attach the housing to the user's wrist (Column 6, lines 34-49)

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- In regard to claim 57, a wearable electronic device comprising:
 - A location determining component having a GPS receiver operable to determine geographic location information including a user's current geographic location (Column 5, lines 11-13)
 - An antenna coupled with the location determining component to assist the location determining component in receiving a signal (Column 5, lines 18-24)
 - An exercise performance monitor component operable to interface with the location determining component to receive the geographic location information and calculate performance information based on the geographic information (Column 7, lines 13-51)
 - An elongated housing which completely encloses the location determining component, antenna and exercise performance monitor component (Column 6, lines 18-33)
 - A display positioned on the housing which is operable to display the geographic location information and performance information, wherein the display may be viewed from multiple angles by the user during exercise or other activity (Column 5, lines 25-50)
 - A plurality of inputs positioned on the housing such that the inputs may be operated by the user with one hand, wherein the inputs are operable to operate the location determining component and exercise performance monitor (Column 5, lines 25-50)

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- A strap operable to removably attach the housing to the user's forearm
(Column 5, lines 28-34)
- In regard to claim 58, wherein the device includes an entertainment component operable to execute at least one game (Column 8, line 48 – Column 9, line 20)
- In regard to claim 59, wherein the entertainment component is operable to interface with the location determining component to receive the geographic location from the location determining component (Column 8, line 48 – Column 9, line 20)
- In regard to claim 60, wherein the entertainment component includes the geographic information in an executed game (Column 8, line 48 – Column 9, line 20)
- In regard to claim 61, wherein the entertainment component is operable to interface with the exercise performance monitor component to receive the performance information (Column 8, line 48 – Column 9, line 20)
- In regard to claim 62, wherein the entertainment component includes the performance information in a executed game (Column 8, line 48 – Column 9, line 20)
- In regard to claim 63, wherein the elongated housing includes a contact operable to receive electrical power and data (Column 5, lines 51-58)
- In regard to claim 64, wherein the location determining component is operable to receive information through the contact (Column 5, lines 51-58)

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- In regard to claim 65, wherein the exercise performance monitor component is operable to receive information through the contact (Column 5, lines 51-58)
4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Stubbs et al (US 6,736,759).

- In regard to claim 1, a wearable electronic device comprising:
 - A location determining component operable to determine a geographic location of the device (Column 6, lines 45-55)
 - An elongated housing which encloses the location determining component (Fig. 6)
 - A strap operable to removably attach the housing to a user's forearm (Fig. 1C, Fig. 3, Column 8, lines 6-17)
- In regard to claim 2, the device having at least one input to operate the location determining component (Column 11, lines 47-67)
- In regard to claim 3, the device having a plurality of inputs positioned on the housing such that they may be accessed by the user during exercise or other activity (Column 10, lines 34-64)
- In regard to claim 4, the housing having a front side with a plurality of inputs positioned thereon, such that the plurality of inputs may be accessed by the user during exercise or other activity (Fig. 10, see 53-56, Column 22, lines 48-67)
- In regard to claim 5, the housing having a front side and a top face, wherein a plurality of inputs are positioned on the front side and top face, such that the

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plurality of inputs may be accessed by the user during exercise or other activity (Fig. 10, see 53-56, Column 22, lines 48-67)

- In regard to claim 6, the device having a display positioned such that it may be viewed by the user during exercise or other activity (Fig. 7, Fig. 9)
- In regard to claim 7, wherein the display is positioned on a top face of the housing (Fig. 9, Fig. 10)
- In regard to claim 8, wherein the display is a liquid crystal display (Column 22, lines 1-25)
- In regard to claim 9, wherein the display is capable of being viewed from multiple angles (Column 22, lines 1-25)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 6,837,827). Lee et al does not specifically disclose that the antenna is positioned within the opposite housing of the display, however, this would have been obvious to one having ordinary skill in the art at the time of the invention. Having the display and the antenna on one side of the housing would take up a lot of room and

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make the wearable electronic device bulky, however, putting them on opposite housings would allow for a smaller design.

7. Claims 23, 34 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 6,837,827) in view of Stubbs et al (US 6,736,759).

- In regard to claims 23 and 50, Lee et al fails to specifically disclose wherein the housing has a width between two and four inches, a height between one and two inches, and a depth between one-eighth of an inch and one inch. Lee et al does disclose that the housing can take any shape molded to substantially correspond to a portion of the user's body. (Column 6, lines 28-33) Stubbs et al discloses a wearable electronic device that can be worn on the user's wrist (Fig. 9). It would have been obvious to one having ordinary skill in the art at the time of the invention to make the device to be whatever size is necessary to fit all the components and be suitable for the user to wear.
- In regard to claim 34, Lee et al fails to disclose the housing having a front side and a top face, wherein a plurality of inputs are positioned on the front side and top face, such that the plurality of inputs may be accessed by the user during exercise or other activity. Lee et al does disclose having a plurality of inputs. (Column 5, lines 25-50). Stubbs et al discloses this. (Fig. 10, see 53-56, Column 22, lines 48-67) It would have been obvious to one having ordinary skill in the art at the time of the invention to put the input bottoms in whatever positions are easiest for the user to access, such as the front face or on the sides.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- US 6,513,532 to Mault et al discloses a diet and activity-monitoring device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW


THOMAS BLACK
SUPERVISORY PATENT EXAMINER